

AO 91 (Rev. 02/09) Criminal Complaint

# United States District Court

for the  
Western District of New York

United States of America

v.

Case No. 20-MJ-4136

SAMUEL BOIMA

*Defendant.*

## CRIMINAL COMPLAINT

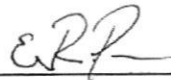
I, ERIC R. PECORARO, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about May 25, 2020, in the County of Genesee, in the Western District of New York, the defendant assaulted federal officers engaged in the performance of official duties, in violation of Title 18, United States Code, Section 111(a)(1).

This Criminal Complaint is based on these facts:

SEE ATTACHED AFFIDAVIT OF DEPORTATION OFFICER ERIC R. PECORARO.

☒ Continued on the attached sheet.



*Complainant's signature*

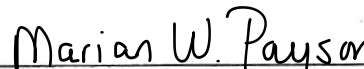
ERIC R. PECORARO, Deportation Officer, DHS

*Printed name and title*

Affidavit and Criminal Complaint submitted electronically by email in .pdf format. Oath administered, and contents and signature, attested to me as true and accurate telephonically pursuant to Fed.R.Crim. P. 4.1 and 4(d) on:

Date: July 20, 2020

City and State: Rochester, New York



*Judge's signature*

HONORABLE MARIAN W. PAYSON  
UNITED STATES MAGISTRATE JUDGE

*Printed name and title*

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

20-MJ-

-vs-

SAMUEL BOIMA,

Defendants.

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STATE OF NEW YORK )  
COUNTY OF MONROE ) SS:  
CITY OF ROCHESTER )

**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**

Eric R. Pecoraro, being duly sworn, deposes and says that:

1. I have been a Deportation Officer (DO) with the United States Department of Homeland Security (DHS), Immigration and Customs Enforcement, hereafter referred to as (ICE) since September 20, 2015. Additionally, I was employed with ICE as an Immigration Enforcement Agent prior to September 20, 2015 and have been so employed for 21 years.

2. As a part of my duties during my employment with ICE, I investigate violations of the Immigration and Nationality Act and violations of the United States Code, in particular Title 18, United States Code, Section 111, regarding the assaulting of officers.

3. This affidavit is based upon my own knowledge, my review of official records of the former Immigration and Naturalization Service currently known as ICE and upon

information that I obtained from other law enforcement officers involved with this investigation. Further, I have had discussions with law enforcement officers involved in this investigation who have confirmed the accuracy of the information contained within this affidavit.

4. I make this affidavit in support of a criminal complaint charging Samuel BOIMA, (hereinafter referred to as BOIMA) with violating Title 18, United States Code, Section 111(a)(1) (assault of federal officers engaged in performance of official duties) by assaulting and interfering with Contract Detention Officers (CDO) Daniel Jaworowicz and David Thom while they were engaged in the performance of their duties at the Buffalo Federal Detention Facility (BFDF).

5. Since this affidavit is being submitted for the limited purpose of securing a criminal complaint, I have not included every fact known to me concerning this investigation. I have set forth only facts that I believe are necessary to establish probable cause to demonstrate that BOIMA, has violated Title 18, United States Code, Sections 111 (a) (1).

6. The BFDF is in Batavia, New York, Genesee County, within the Western District of New York. The BFDF is a temporary detention center for individuals detained while their immigration status is determined or who are awaiting removal or deportation to their country of origin. DHS through ICE, Enforcement & Removal Operations (ERO), administers the day to day operations of the BFDF and the care of the detainees housed there.

7. BOIMA is a native and citizen of Sierra Leone. He is being detained at the BFDF because he has been issued a final order of removal from the United States by an

Immigration Judge and is awaiting a travel document to be issued by the Sierra Leone Consulate General's Office. On May 25, 2020, BOIMA was being housed in A-2 Housing Unit.

8. On May 25, 2020, CDO's Jaworowicz and Thom were on duty at the BFDF. CDO's Jaworowicz and Thom responded to housing unit A-2 for an altercation between BOIMA and another alien. CDO's Jaworowicz and Thom were assigned to escort BOIMA from the A-2 housing unit to the Special Housing Unit (SHU) where BOIMA would be held until an investigation could be concluded and disciplinary actions, if appropriate, were decided. CDO's Jaworowicz and Thom handcuffed BOIMA and BOIMA became actively resistant and verbally combative. CDO's Jaworowicz and Thom escorted BOIMA to the SHU. During the escort, BOIMA was resistant. When they were in the SHU, CDO's Jaworowicz and Thom placed BOIMA into a cell. CDO's Jaworowicz and Thom ordered BOIMA to remain on the bunk until they exited the cell. When CDO Jaworowicz turned to leave the cell, BOIMA spit a mixture of saliva and blood on CDO Jaworowicz's uniform jacket and duty belt. When CDO Thom turned to leave the cell, BOIMA spit a mixture of saliva and blood on CDO Thom's uniform shirt, pants, duty belt, and bare neck. CDO's Jaworowicz and Thom secured the cell door without further incident.

9. CDO's Jaworowicz and Thom are employed at the BFDF, in Batavia, New York, through a contract agency named Akima Global Services as officers with, in summary, the responsibility of maintaining the welfare and security and well-being of those detained in BFDF. When performing their official duties they are assisting employees of the Department of Homeland Security. The activities in which CDO's Jaworowicz and Thom were engaged



and which are described in this affidavit were being conducted pursuant to their official duties as contract security officers. Thus, CDO's Jaworowicz and Thom were persons designated in Title 18, United States Code, Section 1114.

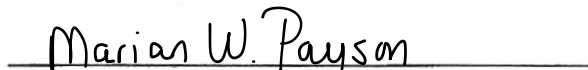
10. Based upon the above information, I submit there exists probable cause to believe that on or about May 25, 2020, in Batavia, Genesee County, Western District of New York, the defendant, Samuel BOIMA, violated Title 18, United States Code, Section 111(a)(1) (assault of federal officers engaged in performance of official duties).



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ERIC R. PECORARO  
Deportation Officer  
Immigration and Customs Enforcement

Affidavit and Criminal Complaint Submitted electronically by email in .pdf format. Oath administered, and contents and signature, attested to me as true and accurate telephonically pursuant to Fed.R.Crim.P. 4.1 and 4(d) on July 20, 2020.

  
HON. MARIAN W. PAYSON  
United States Magistrate Judge